

THE GENERAL COURT OF MASSACHUSETTS JOINT COMMITTEE ON VETERANS & FEDERAL AFFAIRS

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VETERANS & MILITARY "NEWS YOU CAN USE"* 2007/2008 Legislative Session Accomplishments January 6, 2009

* The "Massachusetts Veterans & Military News You Can Use" is a periodic newsletter about actions at the State House related to veterans, servicemembers and their families, including new benefits. If you would like to be added or removed from this list, please send an email with NEWS in the subject to sarah.keller-likins@state.ma.us. All emails are kept confidential and will not be shared with any agencies, organizations or individuals.

I. HOT TOPICS FOR VETERANS AND SERVICEMEMBERS OF MASSACHUSETTS

 Veterans Mental Health Commission Files Report Examining Ways to Improve Post-Deployment Care for Local Soldiers

The Special Commission Relative to the Hidden Wounds of War on Massachusetts Servicemembers filed its report on January 5, 2009. The Commission's report focuses on the identifying barriers to accessing mental health care services and made recommendations on how the Commonwealth could better assist with streamlining delivery and improving outreach at the state level. In writing this report, this Commission also sought to develop a larger framework for dealing with the prevalent issue of mental health for returning veterans.

The Commission was created by a law signed on April 10, 2008. This was the first time the state had established such a commission since the one formed in 1981 to examine the needs of Vietnam War veterans. In Massachusetts, nearly 29,000 servicemembers have returned home since September 11, 2001, including approximately 6,000 members of the Massachusetts National Guard. In 2007, the Veterans & Federal Affairs Committee held a hearing to discuss issues of veterans mental health and Traumatic Brain Injury (TBI). A recent report from the Institute of Medicine finds that 25% of returning Iraq/Afghanistan combat veterans will face mental health problems. Yet of those needing care, it is estimated that only 27% seek treatment at a VA medical center. While the Department of Veterans Affairs has refused to classify the increasing suicide rates among Iraq and Afghan veterans as an "epidemic," the suicide rate of Army soldiers in 2007 had more than doubled since 2001.

The 19-member special commission was charged with making an investigation and study of the mental health effects of war on those citizens of the Commonwealth returning from active duty. It

included examining the establishment of a mandatory mental health treatment program for National Guard members who engage in combat, a state military family leave policy for primary caregivers, and a statewide education training program to assist law enforcement, corrections officers and other first responders in recognizing the symptoms of post-traumatic stress disorder. House Bill 4526, which created the Commission, is now **Chapter 1 of the Resolves of 2008**. For more information on the Commission or an electronic copy of the report, please call or email the Joint Committee on Veterans & Federal Affairs.

• Protecting Service Members from Predatory Insurance Practices

On December 11, 2008, the Legislature sent a bill to the Governor's desk that would protect members of the United States Armed Forces from fraudulent, deceptive or unfair insurance sales practices. House Bill 4508, *An Act Protecting Military Service Members*, sponsored by Rep. Mariano, grants the Commissioner of Insurance the authority to establish rules and regulations to identify insurance sales practices that are predatory toward members of the military. On December 17, 2008, House Bill 4508 was signed by the Governor and is now is **Chapter 399 of the Acts of 2008.**

• Legislation Expanding Veterans License Plate Benefits Signed Into Law
Senate Bill 2352, now Chapter 407 of the Acts of 2008, will make it easier for Gold Star family members to honor their fallen heroes by expanding eligibility for the special plate. Currently, Gold Star Family license plates can be issued by the Registry of Motor Vehicles (RMV) to parents, children and spouses of members of the military who were killed in action during wartime service. The new law adds siblings and grandchildren to that list. Additionally, an amendment to the legislation offered by Senator Thomas McGee will create a 'Gold Star Family' emblem for operators of motorcycles to display.

Other sections of the bill will allow an eligible surviving spouse of a veteran to 1) receive a veterans license plate even if the spouse was not in possession of one at the time of death or 2) to obtain a veteran's plate if it had been previously returned to the RMV.

The bill will also allow veterans to retain their veterans plates in the event their vehicles are taken off the road. Finally, the bill requires the RMV to implement a plate retention program for veterans deployed on military duty.

• Senate and House Budgets Increase Veterans Ch. 115 Benefits by \$5.7+ Million over last Fiscal Year

The Legislature approved \$20,904,223 in funding for Fiscal Year 2009 for benefits for veterans in need, a one-of-a-kind program in the nation established by the Massachusetts Legislature (Line Item 1410-0400). This is an increase of more than \$5.7 million over the FY 08 appropriation.

For the second year in a row, the Legislature included language in the budget that ensures local veterans agents/services officers receive sufficient training from the state Department of Veterans' Services, to implement the Chapter 115 program. The language also guarantees that such trainings take place in several accessible locations across the Commonwealth, including at the Massachusetts Veterans Service Officers Association (MVSOA) training conferences.

This fall, the state had to make a number of emergency cuts (9C cuts) to the FY09 budget. However, funding for veterans programs and services was not cut. The Governor's office announced it would instead make cuts to three memorial preservation projects, a move that eliminates \$67,500 from the

DVS budget. These projects are the Korean War Memorial in Charlestown, the Vietnam Veterans Memorial in Worcester, and the World War II Memorial in Malden; each will be reduced by half.

• Committee Proposes Comprehensive Definitions for Cemetery-Related Terms
Following the work of a special advisory group assembled by the Chairmen of the Committee on
Veterans and Federal Affairs in the fall of 2007, the Committee proposed a bill containing a series of
comprehensive definitions of cemetery and burial-related terms. House Bill 4752, An Act Relative to
Veterans, substituted the language of H. 3709. It addresses the need for a standardized
understanding of these terms, which are frequently used but currently undefined in Chapter 114, so
that veterans' graves can be better protected and uniformly reverenced. H. 4752 was signed into law
December 30, 2008 and is now Chapter 440 of the Acts of 2008

• Legislature Extends the Pay Differential Law until 2011 for National Guard and Reserve in '09 Budget

Both the Senate and House Budgets included language in the Fiscal Year '09 budget that extends a law allowing the Commonwealth to make up any salary difference for state employees who are members of the National Guard or Reserve and are called up for active duty military service. It also extends the local option for cities and towns to adopt these benefits for municipal employees, including employees of a school district. The pay differential law had been set to expire on September 11, 2008.

- Increasing Awareness of Available Veterans Benefits for Iraq and Afghanistan Veterans Recognizing a need for better outreach to Massachusetts' newest veterans, the Legislature passed S. 2397 (formerly S. 2366), An Act to Promote Veterans Benefits. The bill was signed into law on November 27, 2007, and now appears as Chapter 186 of the Acts of 2007. This law places a check-off box on Massachusetts resident or part-time resident tax forms for veterans to self-identify their participation in Operation Iraqi Freedom or Enduring Freedom. The information will be kept confidential, but be used to reach out to individuals who are not getting the benefits to which they are entitled because of lack of awareness about those resources.
- Federal Government Approves New Mobile Vet Center Program in Springfield Massachusetts has been selected to be the recipient of one of the first fifty new VA mobile counseling centers. The VA states that these vans will "improve access to counseling by bringing services closer to veterans....These vehicles will be used to provide outreach and direct readjustment counseling at active-duty, reserve and National Guard activities, including post-deployment health reassessments for returning combat service members. ...The 38-foot motor coaches, which have spaces for confidential counseling, will carry Vet Center counselors and outreach workers to events and activities to reach veterans in broad geographic areas. Each vehicle will be assigned to one of VA's existing Vet Centers, enabling the center to improve access to counseling by bringing services closer to veterans."

• Veterans Committee Chairs Call for Help from Commonwealth Scrap Metal Dealers to Deter Veterans Grave Robbers

Just weeks before Veterans Day 2008, thieves stole more than 250 veterans medallions and flag holders from the Riverside Cemetery in Saugus, Massachusetts. This is one of several such incidents that have occurred over the past year in the Commonwealth. As the economy remains uncertain, cemeteries across the nation are taking precautions to protect veterans markers, which can be sold to scrap metal dealers for what has become an increasing profit.

Both Chairmen are asking that Massachusetts scrap metal dealers raise their awareness in light of this recent theft. With the scrap metal dealers and cemeteries working in conjunction, there is hope that the monetary value of the markers will be void by eliminating the market for them. The Chairs would like to see a program that calls for identification of individuals who takes copper, brass or any type of high value metal to a scrap yard, similar to the regulations that exist for pawn shops. Senate Bill 2371, which was passed favorably in 2007 by the Consumer and Professional Licensure Committee, would require such identification. Recently, there have been numerous reports of stolen metal from constructions sites, including the Longfellow Bridge.

Current Massachusetts law makes the willful destruction of a veterans grave marker or metal plaque, veteran's flag holder or flag, punishable by imprisonment in the state prison for no more than five years or by imprisonment for no more than two-and-a-half years in conjunction with a fine of no more than five thousand dollars. However, the removal of flags and memorial tokens without proof of their destruction is only considered a misdemeanor and punishable by a fine of no more than one thousand dollars or by imprisonment for no more than six months.

• Commonwealth Launches Smoking Cessation Program for Veterans

Legislators join state agencies in urging veterans to take advantage of the Commonwealth's new veteran smoking cessation program. This program, which was launched December 2008, encourages veterans to quit smoking by providing a free 4-week supply of nicotine patches.

During World War II, the Korean War and the Vietnam War, it was standard practice for soldiers to receive cigarettes in their rations. As a result of this and other factors that elevate addiction risks, "veterans are disproportionately affected by smoking-related illnesses," according to the U.S. Department of Veterans Affairs. In Massachusetts, it is estimated that approximately 24% of the veteran population smokes.

All Massachusetts veterans, National Guard members and families are eligible for the free nicotine patch program, which is sponsored by the Massachusetts Department of Public Health in collaboration with the state's Department of Veterans Services. For more information in contacting your local veterans service officer, please visit www.mvsoa.us. For additional information about the "Quit Smoking Initiative," please call 1-800-TRY-TO-STOP or visit www.makesmokinghistory.com.

• Committee Introduces Legislation to Contribute to Disabled Veterans Memorial In 2000, Congress passed Public Law 106-248 supporting the creation of the American Veterans Disabled for Life Memorial. The American Veterans Disabled for Life Memorial will commemorate the sacrifices and dedication of disabled American veterans from all branches of the Armed Services throughout America's history. A number of states have passed or offered legislation in support of this memorial. Committee Chairmen Representative Anthony Verga and Senator Thomas McGee have filed a bill, currently House Docket No. 5053, An Act Relative to the American Veterans Disabled for Life Memorial in Washington, D.C., to support the construction of the American Veterans Disabled for Life Memorial in Washington, D.C., by pledging \$2 for every disabled veteran who resides in the Commonwealth.

• Local Property Tax Relief for Non-profit Veterans Organizations Signed into Law The Legislature passed House Bill 3045, now Chapter 61 of the Acts of 2008, which gives cities and towns the local option to increase the property tax abatements for eligible veterans organizations up to \$1.5 million worth of property. Prior to the passage of this law, cities and towns could provide

abatements up to \$700,000 worth of property as part of a local option. Eligible veterans organization must use and occupy the property. Additionally, the organizations' net income must be used for charitable purposes. The city or town will assume the full cost of this abatement increase if they adopt the local option.

• Massachusetts "Home for the Brave" Program Offers Home Loans to Veterans In July 2008, the Commonwealth launched the "Home for the Brave" mortgage program which is designed to offer any eligible Massachusetts veteran both safe and affordable home loans. "The program will include mortgage insurance that will pay a veteran's monthly mortgage payment for up to six months in the event he or she becomes unemployed or is deployed on active duty. Closing cost assistance will be provided through a grant by Fannie Mae (FNM/NYSE)," according to MassHousing. More than 50 banks and credit unions across the state have signed on to participate in this program. For more information about this program, please visit the MassHousing website at www.masshousing.com or call (617) 854-1000.

• State Benefits Proposed as Fuel and Shelter Costs Continue to Rise (related to S. 2129, H. 3710, H. 4388, and Senate FY09 Budget Amendment #884)

As fuel and shelter costs continue to rise in the Commonwealth, the pay-out of benefits for veterans who rely on state assistance to cover those expenses has not kept up. Since 2000, the cost of heating oil has increased 117%. Yet the allowances made for veterans' fuel have only increased 12% in the same eight years. From 2001 to 2004, there was no increase in state veterans' fuel benefits. In October 2007, oil prices reached a new inflation-adjusted record, topping the previous high set almost three decades ago. These factors, in combination with increasing property taxes and mortgage rates, have resulted in a disproportional burden on veterans.

Legislation to ensure that the fuel and shelter benefits for veterans and their dependents have a statutory minimum level, as opposed to the current discretionary annual review, has been proposed in both the House and Senate. Most recently, an amendment (#884) to the FY09 Senate Budget was filed to address the discrepancy between the benefits provided under current law and increases in veterans' fuel and shelter costs. While amendment #884 was not incorporated into the Senate budget, H. 4388 remains before the Legislature.

• Legislature Honors Active Duty Servicemembers and Families of the Commonwealth with Blue Star Service Flag Dedication Ceremony

A Blue Star Service Flag, which military families are authorized to hang in honor of an active duty military family member, now hangs in Memorial Hall of the State House in recognition of the sons and daughters of the Commonwealth who are currently serving. Memorial Hall is a sacred site in the Massachusetts State House, dedicated to honoring veterans, current servicemembers and the proud military history of the Commonwealth. On April 22, 2008, Legislators held a solemn ceremony, which was attended by Governor Patrick, to dedicate and install the Blue Star Service Flag and to acknowledge the sacrifices of the men and women from Massachusetts presently wearing the uniform.

• VA Consolidation Stopped - VA Medical Centers Remain Intact

For more than two and a half years, dozens of state law makers expressed opposition to the Department of Veterans Affairs (VA) proposal to consolidate the Massachusetts VA Medical Centers into one Boston-based "mega-plex." The implications of such a consolidation for veterans would have been astronomical, essentially requiring veterans from all over the state to travel to the Boston area for their health care needs. On May 5, 2008, the VA announced that it had determined

that "any potential benefits do not justify the disruption to veterans" and that it would not seek to consolidate. Today, all of Massachusetts VA hospitals and community-based outpatient centers continue to provide services.

II. HIGHLIGHTS OF LEGISLATION PASSED FAVORABLY BY THE VETERANS & FEDERAL AFFAIRS COMMITTEE

• H. 2139, An Act Authorizing Certain Public Employees Creditable Retirement Service for Service in the Armed Forces (Representative Kennedy)

This bill specifies an honorable discharge requirement for eligibility for veterans' creditable service, and allows servicemembers currently in the Massachusetts National Guard and Active Reserves to accrue creditable service toward their retirement.

- H. 3696, An Act Relative to Inland Fisheries and Game Licenses (Representative Binienda) This legislation would exempt any disabled veteran with a forty percent or greater service-connected disability from paying any fees for sporting, hunting or fishing licenses issued by the Commonwealth of Massachusetts. The bill carried H. 885, An Act for veterans hunting and fishing licenses (Rep. Verga), H. 3698, An Act relative to hunting licenses (Rep. Bradley), and H. 3700, An Act exempting veterans from paying for hunting and fishing licenses (Rep. Coughlin).
- H. 3707, An Act Extending Certain Benefits for Military Personnel on Active Duty (Representative Linsky) This bill removes the expiration date from a portion of the law that pays Massachusetts servicemembers on active duty the difference between their state pay and their military pay (if the military pay is less). This bill also addresses the retirement application for state employees who were called to active duty.
- H. 3725, An Act Relative to Veterans' Benefits Equity (Representative Sciortino) This bill ensures that veterans and their same-sex spouses can not be denied certain state veterans benefits because of their sexual orientation or marital status.
- H. 3726, An Act Relative to Veteran Owned Small Business (Representative Spellane) This legislation sets a goal that 3% of state contracts and subcontracts would be awarded to veteranowned small businesses. The bill would not cost the Commonwealth additional money, it would redirect the usual awarding of contracts. This would give those who left businesses behind to serve in the military, or those who returned from military service hoping to start their own businesses, a chance to find equal footing with their industry counterparts who did not.
- H. 3732, An Act Establishing the Massachusetts GI Bill for Veterans (Representative Verga) This legislation seeks to extend full higher education tuition and fee waivers to all veterans of the Commonwealth. Currently veterans are only eligible for certain tuition waivers at UMASS, state and community colleges. The bill carried H. 3714, *An Act Providing Scholarships for Veterans* (Representative Poirier).
- **H. 4316, An Act Relative to National Guard War Bonuses** (Representative Verga) This legislation (formerly H. 3731) expands eligibility for the Welcome Home Bonus as established by the Welcome Home Law (Chapter 130 of the Acts of 2005). It would open the benefit to National Guard members who were activated for more than 30 consecutive days in support of contingency emergency operations related to Operation Noble Eagle.

- H. 4388, An Act Making an Appropriation for the Fiscal Year 2008 to Provide Supplemental Funding for Veterans Energy Assistance Program (Senator Hart) Please see page 5 for more information about this legislation which would increase fuel and shelter benefits for eligible veterans. This bill is a redraft of S. 2129, An Act Relative to Fuel and Shelter Benefits for Veterans.
- H. 4435, An Act Relative to the Designation of a Certain Bridge in the Town of Falmouth the Raleigh D. Costa Memorial Bridge (Representative Patrick) This bill would name a bridge in Falmouth after a veteran of the World War II era. It was signed into law on September 12, 2008, and is now Chapter 330 of the Acts of 2008.
- H. 4526, Providing for an Investigation and Study by a Special Commission Relative to the Hidden Wounds of War on Massachusetts Service Members (Representative Verga) Please see page 1 for more information about this legislation addressing the special mental health needs of veterans returning from combat. The bill (originally H. 3728 and renumbered H. 4312) was signed into law on April 10, 2008 and is now Chapter 1 of the Resolves of 2008.
- H. 4694, An Act Relative to Exposures to Hazardous Materials by Certain Members of the National Guard (Representative Patrick) This legislation (formerly H. 3713) creates a commission to study the health effects of National Guard members' exposure to hazardous materials, particularly depleted uranium, and to suggest outreach efforts to soldiers who may have been exposed and training programs for those who may come in contact with such hazardous materials. The bill was referred to the Joint Committee on Health Care Financing.
- **H. 4752, An Act Relative to Veterans** (Representative Naughton) Please refer to page 3 for more information about H. 4752. This bill provides a comprehensive list of cemetery and burial related terms and definitions. It is a redraft of H. 3709 (*An Act Relative to a Military Scholarship Program*) and is now **Chapter 440 of the Acts of 2008.**
- S. 1079, An Act Relative to Worker's Compensation As It Relates to Employees Who Are Members of the Armed Services or National Guard (Senator Morrissey) This bill would ensure workers' compensation benefits for employees who sustained an emotional or physical injury in the United States Armed Forces or National Guard and subsequently receive a workplace injury which combines with, or is aggravated or prolonged by, their injury in the military.
- S. 2123, An Act Relative to Veteran's Benefits for Surviving Spouses (Senator Brewer) This bill would provide veterans' surviving spouses who are currently not married and are receiving DIC (Dependency Indemnity Compensation from the federal government) a \$2000 annuity from the Commonwealth. This bill carried H. 3729, An Act Relative to Veteran's Annuity Benefits for Surviving Spouses (Representative Verga).
- S. 2124, An Act Expediting Receipt of Certain Federal Funds (Senator Brewer) In an effort to streamline the federal grant application process, this bill would eliminate the requirement that the Joint Committee on Veterans and Federal Affairs send out letters of acknowledgement to state agencies who apply for federal grants within 30 days of receiving the grant application.

- S. 2125, An Act Relative to the Director of a State Operated Veterans' Cemetery (Senator Brewer) This bill would require that all directors of state-operated veterans' cemeteries be veterans themselves.
- S. 2128, An Act Relating to Claim for Personal Injury and Property Damage in the National Guard (Senator Brown) This legislation would allow the National Guard to directly approve claims for personal injury or property damage and would remove the authority of the governor over the findings of the board of compensation.
- S. 2131, An Act Relative to Veteran's Discrimination (Senator Hart) This bill would make it unlawful for any employer to bar or terminate employment, or to discriminate in terms of compensation, conditions or privileges against an individual because he or she is a veteran. It does, however, allow employers to base decisions about individuals on bona fide occupational qualifications.
- S. 2135, An Act Relative to the Retention of Certain Revenues by the Soldiers' Home in Holyoke (Senator Knapik) This bill establishes a trust fund for the Soldiers' Home in Holyoke in which to deposit gifts, grants, donations, and income from the licensing and rental of the Home's property, for the placement of telecommunications antennae or other equipment. It also distributes the proceeds of Massachusetts "VETERAN" motor vehicle license plates to the soldiers' homes, with sixty percent of the revenue going to the Home in Chelsea and forty percent going to the Home in Holyoke.
- S. 2136, An Act to Establish the Soldier's Home in Massachusetts Capital Maintenance Trust Fund and the Soldier's Home in Holyoke Capital Maintenance Trust Fund (Senator Knapik) This bill creates two separate funds, the Soldiers' Home in Massachusetts Capital Maintenance Trust Fund and the Soldiers' Home in Holyoke Capital Maintenance Trust Fund, and specifies the use and operations of these funds.
- S. 2137, An Act Relative to Massachusetts Veterans (Senator Knapik) This legislation adds Memorial Day to the list of special holidays on which retail stores shall not be open for business.
- S. 2143, A Resolution to the United States Congress Relative to the Advertising of Drugs by Pharmaceutical Companies (Senator Spilka) This legislation urges the federal Food and Drug Administration to aggressively monitor and regulate direct-to-consumer advertising of prescription drugs, and requests the United State Congress to limit or ban the practice.
- S. 2146, An Act Concerning the World War II Bonus (Senator Walsh) Under current law, eligible veterans who served between September 16, 1940, and December 31, 1946, may receive the World War II bonus, as administered by the Bonus Division of the State Treasurer's office. S. 2146 would extend the end date of eligible service by nearly seven months, until June 25, 1947.
- S. 2214, An Act Relative to the Secretary of Veterans' Services (Senator Brewer) This bill adds a requirement that the secretary or the acting secretary of the Department of Veterans' Services in Massachusetts must be a veteran. Additionally, in August 2003, the commissioner of veterans' services was elevated to a cabinet secretary position, and S. 2214 seeks to standardize the language throughout Chapter 115 to refer to the head of the Department of Veterans' Services in

every instance as the secretary. This legislation combines S. 2133, *An Act Relative to the Department of Veterans' Services* (Senator Hart), and H. 3711, *An Act Relative to the Department of Veterans Services* (Representative Naughton), into a new bill.

- S. 2372, An Act Relative to Veterans' Burial Benefits (Senator Hart) This legislation (formerly S. 2134) increases the funeral and burial benefit allowance for veterans' burial agents to expend for indigent veterans. As funeral and burial expenses have escalated, this benefit has not been adjusted accordingly. This bill carried H. 3708, An Act Relative to Burial Benefits of Veterans (Representative Naughton), and H. 3730, An Act Relative to Veterans Burial Benefits (Representative Verga).
- **S. 2397, An Act to Promote Veterans Benefits** (Senator Brown) Please see page 3 for more information about this legislation (formerly S. 2366) which would increase Massachusetts veterans' awareness of available state benefits. The bill was signed into law on November 27, 2007, and now appears as **Chapter 186 of the Acts of 2007**.
- S. 2654, Resolutions Memorializing the Congress to Fix and Fund the Real ID Act (Senator Moore) This legislation (formerly S. 2138, A Resolve Memorializing the US Congress on the Implementation of Real ID) opposes the implementation of Real ID, a federal law that mandates individual states to reform their drivers' license and state identification card issuance programs to meet certain strict federal standards by December 31, 2009. The bill lists grievances against the law, though it agrees with the idea of securing the nation's drivers licensing programs, and calls upon Congress to better enable the Commonwealth to comply with Real ID by addressing those grievances.
- S. 2655, An Act to Establish a Military Service Scholarship Program (Senator Hart) This legislation (formerly S. 2132) would create a Military Service Scholarship Program for dependent children, dependent siblings and widowed spouses of soldiers who were killed, severely wounded, or taken prisoner of war while in performance of military duties. The scholarships would be applicable for undergraduate studies at public institutions of higher education in the Commonwealth.

III. RESOLUTIONS ISSUED BY THE COMMITTEE ON VETERANS AND FEDERAL AFFAIRS

• Resolution to Honor James Brown

On August 16, 2007, the House adopted a resolution to honor James T. Brown of Salisbury, Massachusetts, for his years of service in defense of the United States and in support of the veterans of the Commonwealth of Massachusetts.

Resolution to Honor Sydney L. Chase

On April 7, 2008, the House and Senate adopted a joint resolution to honor Sydney L. Chase of Barnstable, Massachusetts, for his forty years as a veterans' service officer on Cape Cod.